

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Arnav Madhiwalla	Team: Squad #03	CCRB Case #: 202305488	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/27/2023 1:20 AM	Location of Incident: In front of 1650 Grand Concourse	18 Mo. SOL 11/27/2024	Precinct: 44		
Date/Time CV Reported Thu, 06/15/2023 6:41 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 06/15/2023 6:41 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Muhammad Amir	10773	966434	MS SU CRT
2. PO Daniel Steele	02361	969377	MS SU CRT
3. PO Samuel Lavaud	14927	956038	MS SU CRT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Stanley Leung	22602	975603	017 PCT
2. PO Jense Mueses	31120	975680	017 PCT
3. PO Brian Johnson	24940	950640	MS SU CRT
4. PO Christopher Burns	21097	958352	MS SU CRT
5. LT Joseph Algerio	00000	944312	PBMS SU PST
6. PO Daniel Casey	15196	975383	017 PCT
7. SGT Ernest Hernandez	00247	951815	MS SU CRT
8. PO James Sullivan	25438	963295	MS SU CRT

Officer(s)	Allegation	Investigator Recommendation
A . PO Daniel Steele	Force: Police Officer Daniel Steele struck § 87(2)(b) with a vehicle.	
B . PO Muhammad Amir	Discourtesy: Police Officer Muhammad Amir spoke discourteously to § 87(2)(b)	
C . PO Samuel Lavaud	Discourtesy: Police Officer Samuel Lavaud spoke discourteously to § 87(2)(b)	
D . PO Muhammad Amir	Abuse: Police Officer Muhammad Amir seized § 87(2)(b)'s property.	
E . PO Muhammad Amir	Abuse: Police Officer Muhammad Amir improperly used his body-worn camera.	
F . PO Samuel Lavaud	Abuse: Police Officer Samuel Lavaud improperly used his body-worn camera.	
§ 87(4-b) § 87(2)(g)		

Case Summary

On June 15, 2023, § 87(2)(b) filed a complaint with the CCRB over the phone.

On May 27, 2023, at approximately 1:20 AM, § 87(2)(b) was stopped at 1650 Grand Concourse at the intersection of Grand Concourse and East Mount Eden Avenue, in the Bronx, by officers of the Bronx Community Response Team for riding a moped with no license plates. § 87(2)(b) alleged that PO Daniel Steele hit his moped with a silver minivan during the stop (**Allegation A: Force**, § 87(2)(g)), that PO Muhammad Amir and PO Samuel Lavaud cursed at him (**Allegations B and C: Discourtesy**, § 87(2)(g)), that PO Amir seized § 87(2)(b)'s moped (**Allegation D: Abuse of Authority**, § 87(2)(g)), and that PO Amir and PO Lavaud did not turn on their body-worn cameras (BWC) (**Allegations E and F: Abuse of Authority**, § 87(2)(g)). § 87(4-b) § 87(2)(g) was summonsed for § 87(2)(b) [BR 9].

BWC video was obtained for this incident from the NYPD. [BR 3]

Findings and Recommendations

Allegation (A) Force: Police Officer Daniel Steele struck § 87(2)(b) with a vehicle.

Allegation (B) Discourtesy: Police Officer Muhammad Amir spoke discourteously to § 87(2)(b).

Allegation (C) Discourtesy: Police Officer Samuel Lavaud spoke discourteously to § 87(2)(b).

Allegation (D) Abuse of Authority: Police Officer Muhammad Amir seized § 87(2)(b)'s property.

Allegation (E) Abuse of Authority: Police Officer Muhammad Amir improperly used his body-worn camera.

Allegation (F) Abuse of Authority: Police Officer Samuel Lavaud improperly used his body-worn camera.

§ 87(2)(b) testified that on May 27, 2023, at about 1:20 a.m., he was waiting at a red light on his moped at the intersection of Grand Concourse and East Mount Eden Avenue in the Bronx after dropping off his friend at § 87(2)(b). While waiting at the red light, a silver minivan turned onto Grand Concourse from East Mount Eden Avenue and tapped § 87(2)(b)'s moped without damaging it. Approximately seven officers stepped out of the minivan, including PO Amir and PO Steele. PO Amir told § 87(2)(b) that they were checking mopeds to see if they are insured and registered. PO Amir asked § 87(2)(b) for a license or permit. After providing his permit, § 87(2)(b) was told by PO Amir that he was going to receive a summons and that the officers were going to take his moped. § 87(2)(b) told PO Amir that he had an appointment at the DMV to get his moped registered and PO Amir told § 87(2)(b) that he would not have his moped back by then. PO Amir told § 87(2)(b) to get off his moped and get his documents. When § 87(2)(b) showed PO Lavaud his documents, he said "I don't need that shit." PO Amir told § 87(2)(b) to put his hands on the minivan. Once he did, PO Amir told § 87(2)(b) to "get your fucking hands off my van." § 87(2)(b) removed his hands. A police truck arrived shortly after and PO Amir returned § 87(2)(b)'s permit, issued a summons, and loaded the moped onto the truck. The officers then left. [BR 1] § 87(2)(b) stated in his intake call that PO Lavaud and PO Amir had their cameras off, that PO Amir told him to "give me your fucking license," and when § 87(2)(b) asked PO Amir a question, PO Amir told him to "shut the fuck up." [BR 2]

DMV registration results show that § 87(2)(b)'s moped was registered on June 12, 2023, after the incident date. **[BR 5]**

PO Steele's BWC shows him as the driver of the officers' silver minivan. Footage does not clearly show that PO Steele made contact with § 87(2)(b)'s moped. At 00:50 in PO Steele's BWC, § 87(2)(b)'s head goes past the silver minivan on the left side of the frame, in between the sideview mirror and the windshield. Footage indicates that PO Steele drives around § 87(2)(b) which is further shown at 00:56, when PO Steele steps out of the minivan and is behind § 87(2)(b) **[BR 3]**

PO Amir's BWC shows a similar angle at 00:54 where, outside the left side window of the silver minivan, § 87(2)(b) and his moped go past the minivan, rather than being struck by it. PO Amir is then shown stepping out of the minivan and grabbing § 87(2)(b)'s arm to help him off the moped. § 87(2)(b) puts his hands on the minivan without prompting and PO Amir tells him that he does not need to do that. Officers are heard saying that the moped does not have plates. PO Amir asks if the moped is registered, and § 87(2)(b) first says it is and then says it is not. PO Amir explains that he cannot ride the moped while it is not registered, and that they are going to have to take it. PO Amir writes the summons and then hands it to § 87(2)(b) and explains what § 87(2)(b) must do to get his moped back. PO Amir does not at any point curse at § 87(2)(b) and his BWC footage spans the entirety of the incident. **[BR 3]**

PO Lavaud's BWC footage, which spans the entirety of the incident, is consistent with the BWC footage of PO Amir and PO Steele. At no point does PO Lavaud curse at § 87(2)(b) **[BR 3]**

PO Burns' BWC shows, at 4:15, that § 87(2)(b)'s moped does not have license plates. **[BR 3]**

All BWC footage available from this incident is consistent with the BWC footage from PO Steele and PO Amir. BWC footage is available from all officers who interacted with § 87(2)(b) and the footage spans the entirety of the incident. **[BR 3]**

NYPD Patrol Guide, Procedure 218-19 states that summons should be issued for unregistered vehicles that have not been reported stolen, and that an occupied vehicle should be taken into custody if the true owner cannot be determined, and an arrest is not warranted. **[BR 4]**

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

BWC footage shows that § 87(2)(b)'s moped did not have plates and that § 87(2)(b)

admitted that the moped was unregistered. DMV records further establish that § 87(2)(b) s moped was not registered on the date of the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party. [BR 8]
- PO Amir has been a member of service for four years and has been a subject in five CCRB complaints and 13 allegations, none of which were substantiated. § 87(2)(g)
- PO Lavaud has been a member of service for nine years and has been a subject in two CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)
- PO Steele has been a member of service for three years this is the first case in which he has been a subject.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of July 20, 2023, The New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident. [BR 6]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 3

Investigator: Arnav Madhiwalla Inv. Arnav Madhiwalla 7/24/2023
Signature Print Title & Name Date

Squad Leader: Rolando Vasquez IM Rolando Vasquez 3/28/2024
Signature Print Title & Name Date